



Docket No. 48194

1646.  
Qfw

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: M. Fujino  
Serial No.: 09/257,650  
Filed: February 25, 1999  
For: USES AND SCREENING METHOD FOR AN ABERRANT GENE  
PRODUCT OPERATING SUBSTANCE

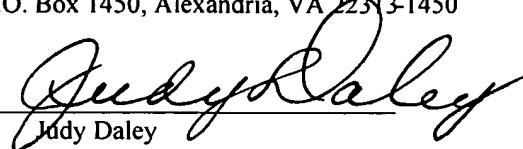
Confirmation No.: 2632  
Group Art Unit: 1646  
Examiner: O'Hara, Eileen B.

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**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 22, 2004.

By:

  
Judy Daley

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**MAIL STOP AMENDMENT**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**TRANSMITTAL LETTER**

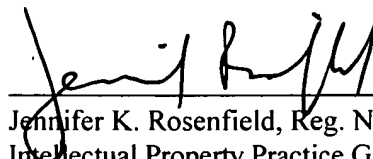
Sir:

Transmitted herewith for filing in the above-referenced patent application are the following documents:

1. Information Disclosure Statement including Certificate of First Class Mailing (4 pages);
2. Copy of European Search Report from Corresponding European Application Serial No. 04002138.8-2404 (4 pages);
3. Form PTO-1499 (1 page) with copies of cited references D1-D5; and a
4. Return Receipt Postcard.

The Commissioner is hereby authorized to charge any excess fees that may be required, or credit any overpayment to Deposit Account No. 04-1105. A duplicate copy of this sheet is enclosed.

Respectfully submitted,



Jennifer K. Rosenfield, Reg. No.: 53,531  
Intellectual Property Practice Group of  
Edwards & Angell LLP  
P.O. Box 55874  
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Tel.: (617) 439-4444

Date: July 22, 2004

Customer No.: 21874

452450



Attorney Docket No. 48194

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: M. Fujino                      CONFIRMATION NO.: 2632  
U.S.S.N.: 09/257,650                      GROUP: 1646  
FILED: February 25, 1999                      EXAMINER: O'Hara, Eileen B.  
FOR: USE AND SCREENING METHOD FOR AN ABERRANT GENE PRODUCT  
OPERATING SUBSTANCE

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 22, 2004.

By

*Judy Daley*  
Judy Daley

MAIL STOP AMENDMENT  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

**I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION**

The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto.

II. COPIES

- a.   X   Submitted herewith is a legible copy of (i) each U.S and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.
- b.        This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application Serial No.       , filed on       . The following references were submitted to, and/or cited by, the Office in the prior application (s) and, therefore, are not required to be provided in this application.

III. CONCISE EXPLANATION OF THE RELEVANCE  
(check at least one box)

- a.   X   Except as may be indicated below in (b), all of the patents, publications or other information are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).
- b.        A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:
- c.        The following additional information is provided for the Examiner's consideration:

**FEES**

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)  
(check one box)

- a.        within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1). No fee or certification is required.
- b.        within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2). No fee or certification is required.
- c.        before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made,

charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):  
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

a. ☐ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

or

b. ☒ See the certification below. No fee is required.

VI. STATEMENT UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby states that

a. ☒ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

b. ☐ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

- c. \_\_\_\_\_ Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

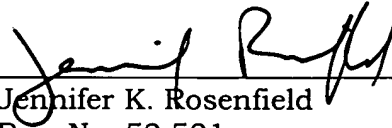
VII. FEE PAYMENT

- \_\_\_\_\_ Enclosed please find a check in the amount of \$180.00 for the above-indicated fee.
- \_\_\_\_\_ Please charge Deposit Account No. 04-1105 in the amount of \$180.00 for the above-indicated fee. A triplicate copy of this paper is attached.
- X   No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule, with a petition if necessary, and charge the appropriate fee to Deposit Account No. **04-1105**.

Respectfully submitted,

Date: July 22, 2004

  
\_\_\_\_\_  
Jennifer K. Rosenfield  
Reg. No. 53,531  
Agent for Applicant

EDWARDS & ANGELL, LLP  
P.O. Box 55874  
Boston, MA 02205  
Customer No: 21874  
Tel: (617) 517-5577  
452189



<b>FORM PTO-1449</b> <b>INFORMATION DISCLOSURE STATEMENT</b>	<b>DOCKET NO:</b> 48194	<b>SERIAL NO.:</b> 09/257,650
	<b>APPLICANT(S):</b> M. Fujino	
	<b>FILING DATE:</b> February 25, 1999	<b>GROUP NO.:</b> 1646

**UNITED STATES PATENT DOCUMENTS**

EXAM. INITIALS	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

**FOREIGN PATENT DOCUMENTS**

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES/NO
	D1	WO 94/08578	04/28/94	PCT		

**OTHER DOCUMENTS (INCLUDING AUTHO, TITLE, DATE, PERTINENT PAGES, ETC.)**

	D2	D. Marinkovic, et al., "A Cyanogen Bromide Fragment of $\beta$ -Galactosidase from Escherichia Coli with $\alpha$ -Donor Activity in Complementation of the Enzyme from Mutant M15," Biochemical Journal, Vol. 155, 1976, pgs. 209-216.
	D3	Y. Uehara, et al., "Screening of Agents which Convert 'Transformed Morphology' of Rous Sarcoma Virus-Infected Rat Kidney Cells to 'Normal Morphology': Identification of an Active Agent as Herbimycin and its Inhibition of Intracellular src Kinase," Japanese Journal of Cancer Research, Vol. 76, No. 8, August 1985, pgs. 672-675.
	D4	R. Warrell, Jr., et al., "Differentiation Therapy of Acute Promyelocytic Leukemia with Tretinoin (All-Trans-Retinoic Acid)," The New England Journal of Medicine, Vol. 324, No. 20, pgs. 1385-1393.
	D5	L. Whitesell, et al., "Inhibition of Heat Shock Protein HSP90-pp60 <sup>v-src</sup> Heteroprotein Complex Formation by Benzoquinone Ansamycins: Essential Role for Stress Proteins in Oncogenic Transformation," Proceeding of the National Academy of Sciences of USA, Vol. 91, No. 18, August 16, 1994, pgs. 8324-8328.

<b>EXAMINER:</b>	<b>DATE:</b>
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